



Arizona Medical Board

9545 E. Doubletree Ranch Road • Scottsdale, AZ 85258-5514
Telephone: 480-551-2700 • Toll Free: 877-255-2212 • Fax: 480-551-2705
Website: www.azmd.gov

February 16, 2011

Judith Berman
4201 North 24th St., Suite 140
Phoenix, AZ 85016

RE: **Mark A. Wellek, M.D.**
Case# MD-10-1280A

Dear Ms. Berman:

The purpose of this letter is to inform you that during the course of the February 9, 2011 public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue Dr. Wellek this Advisory Letter for prescribing Klonopin in increasing doses without adequate monitoring, and for failing to refer an out of state patient to a local psychiatrist.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, the licensee may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(3). Please be aware that Board staff will only post a narrative response by the licensee or the licensee's legal representative on the Board's website. Accordingly, please do not include medical records or third party opinions as part of your response. Also, please remember that your client is responsible for maintaining the confidentiality of the patient's identity. Finally, Board staff requests that the response not disclose the name of the medical consultant who reviewed the case or the name of any other healthcare provider associated with the matter in question.

If timely received, the response will be attached to the advisory letter and maintained in the licensee's permanent file. The written response will also be hyperlinked to the licensee's profile on the agency's website.

Sincerely,

Amanda Schwabe

Amanda Schwabe
Board Coordinator
E-mail: boardcoordinator@azmd.gov
Ph: (480) 551-2712
Fx: (480) 551-2705

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **MARK A. WELLEK, M.D.**

4 Holder of License No. 6416
5 For the Practice of Allopathic Medicine

6 In the State of Arizona.

Case No. MD- 10-1280A
ORDER FOR CONTINUING MEDICAL
EDUCATION

(NON-DISCIPLINARY)

7
8 At its public meeting on February 9, 2011, the Arizona Medical Board ("Board") voted to
9 issue Mark A. Wellek, M.D. ("Physician") a non-disciplinary Continuing Medical Education (CME)
10 Order for inadequate medical records in violation of A.R.S. § 32-1401(27)(e). The Board ordered
11 Physician to complete the PACE medical recordkeeping course within six months pursuant to
12 A.R.S. §32-1451(E)(2). The CME hours shall be in addition to the hours required for the biennial
13 renewal of medical licensure. This matter does not rise to the level of discipline.

14 **ORDER**

15 IT IS HEREBY ORDERED that Physician shall, within six months, complete the PACE
16 medical recordkeeping course, and provide Board Staff with satisfactory proof of attendance. The
17 CME hours shall be in addition to the hours required for biennial renewal of his medical license.
18 Respondent's failure to complete the CME will subject him to future disciplinary action by the
19 Board. A.R.S. § 32-1401(27)(r).

20 **RIGHT TO APPEAL**

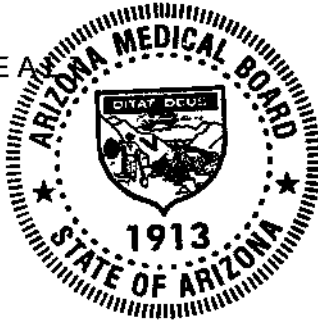
21 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03, any person aggrieved by this
22 decision may apply to the Board, in writing, within thirty (30) days of receipt and request a public
23 hearing with respect to this order. You may request a hearing by filing a notice of appeal. The
24 notice of appeal must be filed with the Board's Executive Director, and should include your name,
25 address, the action being appealed, and a concise statement of the reasons for the appeal. If you

1 request a public hearing, the hearing will be scheduled within sixty (60) days of receipt of your
2 request. If you request a public hearing, you also have the right to request an informal settlement
3 conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than
4 twenty (20) days before the scheduled hearing. The conference will be held within fifteen (15) days
5 after receipt of your request. Please note that you waive any right to object to the participation of
6 the Board's representative in the final administrative decision of the matter if it is not settled at the
7 conference.

8 DATED this 17th day of February, 2011.

9 ARIZONA MEDICAL BOARD

10 [SEAL]



11 By *Lisa S. Wynn*

12 LISA S. WYNN
13 Executive Director

14
15 ORIGINAL of the foregoing filed this
17th day of February, 2011 with:

16 Arizona Medical Board
17 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

18 EXECUTED COPY of the foregoing
19 Mailed by US Mail this 17th day of February, 2011 to:

20 Judith Berman
21 4201 N. 24th St.
Suite 140
Phoenix, AZ 85016
(Attorney for Respondent)

22 *Mus Bang*